

Appln. No.: 10/713,449

Amdt. dated November 15, 2007

REMARKS

In the Office Action of June 15, 2007, the drawings were objected to because the Examiner alleges that the drawings do not show every feature of the invention specified in the claim 37. Claim 37 was also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Although Applicant does not necessarily agree with the objection and the 112 rejection, claim 37 is cancelled herewith to expedite the prosecution of the application.

Claim 36 is amended herewith to overcome the Examiner's objection regarding antecedent basis.

Claims 26, 31, 38 and 39 were rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 6,407,843 ("Rowan"). Claims 27, 30 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rowan in view of U.S. Patent No. 6,249,543 ("Chow"). Claim 26 is amended herewith to include the limitations of dependent claim 27. On page 6 of the Office Action, with respect to claim 27, the Examiner acknowledges that Rowan does not teach "encoding the plurality of second parallel data streams into symbols using a plurality of symbol encoders; performing an inverse Fourier transform on the symbols, thereby producing a plurality of transformed values; (and) parallel process converting the plurality of transformed values into a plurality of analog signals," per amended claim 26. The Examiner asserts that these steps are well known in the art of processing data to be transmitted in a multi-carrier communication system. Whether or not that is the case, Applicant submits that (at the time of the present invention) these steps were *not* well known in the relevant art here - the art of fiber optic communication systems. The Examiner cites Chow as an example of these steps being performed in the prior art. However, Chow does not involve optical communications, but rather involves DSL communications systems, and therefore is not an example of these steps being performed in the relevant art of fiber optic communications. The art of fiber optic communication systems is in relevant respects very different from the art of wire-line communication systems, and presents entirely different obstacles and challenges. This is why the steps of the method of claim 26 cannot be found in a reference related to fiber optic communications prior to the priority date of the present application. Applicant submits that

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Chow is non-analogous art to the present invention and that it is therefore improper to use Chow to reject the present claims. Applicant further submits that it would not have been obvious for one of ordinary skill in the art of fiber optic communications to incorporate the teachings of Chow since Chow deals only with wire-line communications. Therefore, Applicant submits that claim 26, and claims 27-29 depending thereon, are not rendered obvious by the combination of Rowan and Chow.

Independent claims 31 and 38, as amended herewith, contain limitations similar to limitations included in claim 26. Applicant submits that claims 31-33, 35, 36 and 38 are allowable over the cited art for the reasons set forth above with respect to claim 26.

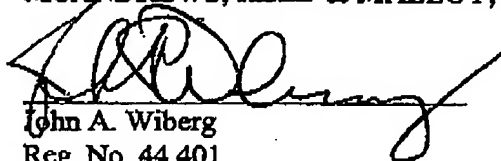
In view of the foregoing, Applicant respectfully requests allowance of claims 26-29, 31-33, 35, 36 and 38.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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